

U.S. Patent Application Serial No. 09/926,160
Amendment dated May 18, 2004
Reply to OA of February 20, 2004

REMARKS

Claims 1 and 5-8 are pending in this application. No amendment has been made herein.

Claims 1 and 5-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,316,089 to Ohtani et al. in view of U.S. 5,847,036 to Takabatake et al. (Office action paragraph no. 4)

The rejection of claims 1 and 5-8 is respectfully traversed, and reconsideration of the rejection is requested.

The Examiner cites the reference in col. 10, lines 20-22, as disclosing the polymerizable unsaturated monomer (a) of claim 1. These lines of the reference discuss "the styrene monomer serving as reactive diluent". This apparently refers to col. 8, line 26, which discusses reactive diluents such as styrene monomers in the resin. However, present claim 1 recites that "the polymerizable unsaturated monomer (a) is an **acrylic** polymerizable monomer." The Examiner may have meant to refer to col. 10, lines 23-28, which may indicate (the wording is somewhat unclear) that the styrenic monomer may be replaced by other polymerizable monomers including (meth)acrylates, "so long as such a replacement does not affect the effect of the present invention".

Applicants submit, however, that Ohtani et al. '089 does not disclose or suggest a component corresponding to component (a) of the present invention, a polymerizable unsaturated monomer. In the abstract of Ohtani et al. '089, it is described that the prepreg sheet includes an unsaturated polyester resin or a vinyl ester resin. Of these resins, the polyester resin is dissolved in a

U.S. Patent Application Serial No. **09/926,160**
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polymerizable monomer such as styrene, as is described in col. 8, lines 54-62 of Ohtani et al. '089. Furthermore, as is described in col. 10, lines 20-27, the styrene monomer serving as a reactive diluent may be partially or completely replaced with a polymerizable monomer such as a styrenic monomer, and the polymerizable monomer includes methyl methacrylate, which is disclosed and demonstrated in the present application to have an SP value of 8.34. However, as noted above, it is also described in Ohtani et al. '089 that the replacement is possible only when such replacement does not degrade the desired effects of the invention.

Accordingly, Ohtani et al. '089 does not directly disclose an acrylic monomer; rather it only discloses methyl methacrylate which can be used as a substitute for styrene. However, Ohtani et al. '089 neither teaches nor even remotely suggests that it is possible to use methyl methacrylate under the situation of the present invention.

That is, the difference in the problems to be solved between the Ohtani et al. and the present invention should be fully considered. Unlike the present invention where the problems of viscosity and ease of handling are the primary concerns, the cited invention is aimed at providing a prepreg sheet for waterproofing. Thus, Ohtani et al. '089 cannot serve as a reference teaching or suggesting how the problems to be solved by the present invention are actually solved in order to address the inherent issues encountered under the situation of the present invention. Ohtani et al. '089 provides no motivation to those skilled in the art to use a polymerizable monomer as in the present invention.

Moreover, unlike Ohtani et al. '089 and Takabatake et al. (U.S. Patent No. 5,847,036) in which metal oxides are used for controlling the viscosity as in the prior art, such oxides are not used

U.S. Patent Application Serial No. **09/926,160**
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in the present invention for viscosity control. In the present invention, the viscosity is controlled by a combination of a component (a) having a specific SP value, and a specific polymethyl methacrylate in a powdered form. Therefore, this constitutes a striking difference between the present invention and the cited inventions.

Applicants therefore submit that the pending claims are non-obvious over Ohtani et al. and Takabatake et al., taken separately or in combination.

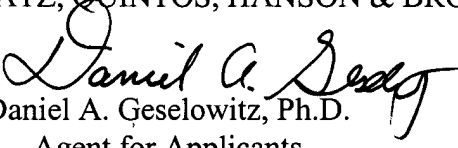
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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